

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, ) 4:05CR3005  
                              )  
Plaintiff,                 )  
                              )  
vs.                         )  
                              ) **ORDER**  
THEOPHILIES HARVEY,     )  
                              )  
Defendant.                 )

IT IS ORDERED that:

- (1) The government's request for hearing (filing 45) is granted.
- (2) A hearing on the government's motion for reduction of sentence pursuant to Rule 35(b) (filing 43) has been set before the undersigned United States district judge at 1:30 p.m. on Tuesday, November 20, 2007, in Courtroom No. 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska.
- (3) At the request of the defendant through his counsel, and with the agreement of the government, the defendant may be absent from the hearing on the Rule 35 motion.
- (4) The Marshal is directed not to return the defendant to the district.
- (5) The defendant is held to have waived his right to be present.

November 5, 2007.

BY THE COURT:

s/ *Richard G. Kopf*  
United States District Judge